DRAFT REGULATORY POLICY

C-211 (E)

CANADIAN NUCLEAR SAFETY COMMISSION COMPLIANCE POLICY

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Canadian Nuclear Safety Commission
Compliance Policy
C-211 (E)

Issued for public comments by the
Atomic Energy Control Board
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AECB Regulatory Documents

The Atomic Energy Control Board (AECB) operates within a legal framework that includes law and supporting regulatory documents. Law includes such legally enforceable instruments as acts, regulations, licences and directives. Regulatory documents such as policies, standards, guides, notices, procedures and information documents support and provide further information on these legally enforceable instruments. Together, law and regulatory documents form the framework for the regulatory activities of the AECB.

The main classes of regulatory documents developed by the AECB are:

- **Regulatory Policy:** a document that describes the philosophy, principles and fundamental factors used by the AECB in its regulatory program.
- **Regulatory Standard:** a document that is suitable for use in compliance assessment and describes rules, characteristics or practices which the AECB accepts as meeting the regulatory requirements.
- **Regulatory Guide:** a document that provides guidance or describes characteristics or practices that the AECB recommends for meeting regulatory requirements or improving administrative effectiveness.
- **Regulatory Notice:** a document that provides case-specific guidance or information to alert licensees and others about significant health, safety or compliance issues that should be acted upon in a timely manner.
- **Regulatory Procedure:** a document that describes work processes that the AECB follows to administer the regulatory requirements for which it is responsible.

Document types such as regulatory policies, standards, guides, notices and procedures do not create legally enforceable requirements. They support regulatory requirements found in regulations, licences and other legally enforceable instruments. However, where appropriate, a regulatory document may be made into a legally enforceable requirement by incorporation in an AECB regulation, a licence or other legally enforceable instrument made pursuant to the *Atomic Energy Control Act*.

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CNSC Compliance Policy

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NOTICE

On March 20, 1997, Bill C-23, the *Nuclear Safety and Control Act* (NSC Act, the Act), received Royal Assent. New regulations that are derived from this Act will become law and replace the existing regulations on a date to be fixed by order of the Governor in Council.

About this Document

Comments

In order for interested persons to determine this document's impact and value, public comments are being solicited. At the end of the comment period, all comments will be studied to determine how best to improve the document. Unless otherwise requested, a copy of all comments received will be placed in the AECB Library, in Ottawa. Comments on this policy will be most helpful if received in writing by July 21st, 2000. Reference our file number 1-8-8-211 and direct enquiries and/or comments to the address below.

Document availability

The document can be viewed on the AECB internet website at **www.aecb-ccea.gc.ca.** A copy of C-211 may be ordered in English or French from:

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Purpose

This document describes the basic principles and directives for establishing and conducting the Canadian Nuclear Safety Commission (CNSC) Compliance Program. The program is aimed at securing compliance by regulated persons with regulatory requirements made under the *Nuclear Safety and Control Act* (Act).

Scope

This policy applies to persons who are regulated by the CNSC through the *Act*, regulations and licences, as well as by decisions and orders made under the Act.

The policy and its requirements apply to officers and employees of the CNSC who are involved in developing and carrying out compliance activities.

Compliance, in the context of this policy, means conformity by regulated persons with the legally binding requirements of the *Nuclear Safety and Control Act* (Act), and the CNSC regulations, licences, decisions, and orders made under the Act. Compliance activities are CNSC measures of promotion, verification and enforcement aimed at securing compliance by regulated persons with the applicable legally binding requirements.

1. Policy Statement

Under the Act, the CNSC undertakes necessary and reasonable measures to maximize the level of compliance with regulatory requirements by persons regulated by the CNSC. Such measures are undertaken to prevent unreasonable risks to the health and safety of persons, the environment and national security, and to achieve conformity with measures of control and international obligations to which Canada has agreed.

2. Policy Requirements

Various actions are required to implement this policy:

2.1 Establish a corporate-wide program that includes activities in the areas of promotion, verification, and enforcement with the goal of securing compliance.

Program mechanisms must:

- help CNSC service lines apply this policy effectively and consistently;
- clearly identify regulatory requirements and communicate them to persons regulated by the CNSC; and
- clearly identify the enforcement actions that can be used by the CNSC and propose a graduated approach to using these actions.

2.2 Design and carry out implementation measures to maximize compliance for each

type of regulated activity while giving consideration to:

- risks to the health and safety of persons;
- risks to the environment;
- risks to national security;
- the effective implementation of measures of control and international obligations to which Canada has agreed; and
- the past compliance record of the regulated person.

2.3 Record the results of compliance activities in each service line.

2.4 Audit the results and effectiveness of the compliance program and periodically report this information to the President.

2.5 To the extent practical, communicate to the public information and actions resulting from compliance activities.

3. Evaluation

The CNSC auditor will evaluate CNSC adherence to this policy, and the effectiveness of this policy, during periodic corporate reviews in accordance with management priorities.

4. Policy Authority

This policy is issued in support of section 9 of the *Nuclear Safety and Control Act*, and replaces the policy set out in the AECB Board Member Document (BMD) 93-42.

5. Reference

Federal Regulatory Policy, Treasury Board Secretariat of Canada, Government of Canada, November 1999.

6. Inquiries

Inquiries concerning this policy should be directed to:

(contact will be provided in final version of document)